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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 KATHRYN M. VILLAVICENCIO,
12 Plaintiff,
13 vs.
14 MICHAEL J. ASTRUE, Commissioner of
15 Social Security,
16 Defendant.

CASE NO. 11cv0836-LAB (MDD)
**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND
ORDER OF REMAND**

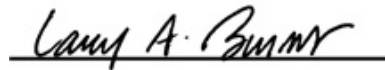
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18 Plaintiff brought this action to appeal denial of social security benefits. Pursuant to 28
19 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1(c), the matter was referred to Magistrate
20 Judge Mitchell Dembin for report and recommendation. On July 3, Judge Dembin issued his
21 report and recommendation, which he amended on July 6 (the "R&R"). The R&R
22 recommended remanding this case to the administrative law judge (ALJ) for further
23 proceedings. The parties were given until July 24 to file any objections to the R&R they might
24 have, but neither party did so. When neither party files objections to a magistrate judge's
25 R&R, no review by the Court is required, *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985),
26 although of course the Court has discretion to review the R&R and accept, reject, or modify
27 it. § 636(b)(1).

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1 The Court **ADOPTS** the R&R, as amended. (Docket no. 21). This action is
2 **REMANDED** to the ALJ for further proceedings consistent with the Court's ruling in this case.

3 **IT IS SO ORDERED.**

4 DATED: July 26, 2012

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6 **HONORABLE LARRY ALAN BURNS**
7 United States District Judge
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